

REMARKS

The Office Action mailed July 28, 2003, has been reviewed. Applicant appreciates the Examiner's thorough examination of this application. Certain amendments are herein requested to the claims to more particularly define Applicant's inventive concept.

It is respectfully submitted that the changes to the claims are proper, do not constitute new matter, and will not create an additional burden on the Examiner. That is, the amendments to the claims are merely to make more explicit that which was implicit, inherent, or intrinsic from an overall view of the drawings and specification as originally submitted. Therefore, it is respectfully requested that such amendments to the claims be entered.

Rejection of Claims 1-4, 12, 14, 16-20, and 24 under 35 U.S.C. Section 102(b)

In the Office Action dated July 28, 2003, the Examiner rejected claims 1-4, 12, 14, 16-20, and 24 under 35 U.S.C. Section 102(b) as being anticipated by U.S. Patent No. 3,902,541 (Wardwell). Applicant respectfully traverses the rejection of pending claims for the reasons stated herein below.

Applicant has amended independent claim 1 and independent claim 16, as well as dependent claims 12, 13, and 24. Claims 2-4 and 11-14 depend from claim 1, and claims 17-20 and 23-27 depend from claim 16. Therefore, claims 2-4 and 11-14, and claims 17-20 and 23-27 include each and every limitation of claim 1 and claim 16, respectively. Claim 1 and claim 16 have been amended to clarify that it is the outer surfaces of the rigid segments that are in a coplanar relationship in the collapsed position.

Wardwell teaches a self supporting bag having an open position and a collapsed position, a plurality of rigid segments and a means for connecting the rigid segments. However, in the collapsed condition the outer surfaces of the rigid segments are shown to be angled relative to one another, not in a coplanar relationship. This distinction allows Applicant's invention, as defined in claims 1 and 16, to assume a substantially flattened condition in the collapsed position whereas the invention of Wardwell assumes a cylindrical condition in the collapsed position as shown in FIGS. 1 and 3 of Wardwell.

In view thereof, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-4, 12, 14, 16-20, and 24 under 35 U.S.C. Section 102(b).

Rejection of Claims 11 and 23 Under 35 U.S.C. §103(a)

In the Office Action mailed July 28, 2003, the Examiner rejected claims 11 and 23 under 35 U.S.C. §103(a) as being unpatentable over Wardwell (U.S. Patent No. 3,902,541) in view of Schorpp (U.S. Patent No. 1,426,916).

Claim 11 depends from claim 1 and as such contains each and every limitation of claim 1. Claim 23 depends from claim 16 and as such includes each and every limitation of claim 16. Applicant realleges and reasserts Applicant's argument regarding the distinction between Wardwell and the current invention. Applicant further respectfully submits that Schorpp teaches a collapsible drinking cup having an open position and closed position, a plurality of "yielding arms" (lines 58 and 59). Schorpp in the collapsible condition is again more a cylindrical configuration.

Schorpp does not teach, disclose or suggest a collapsible container that has a collapsed position wherein the outer surfaces of the rigid segments are in a coplanar relationship. Thus, Schorpp does not provide the deficiencies of the Wardwell reference. In view thereof, Applicant respectfully request that the Examiner withdraw the rejection of claims 11 and 23 under 35 U.S.C. § 103.

Rejection of Claims 13, 25, 26, and 27

The Examiner also rejected claims 13, 25, 26, and 27 under 35 U.S.C. §103(a) as being unpatentable over Wardwell (U.S. Patent No. 3,902,541) in view of Jannin (U.S. Patent No. 4,907,380).

Applicant respectfully traverses the rejection of pending claims 13, 25, 26, and 27 on the reasons stated herein below. The Applicant realleges and reasserts the Applicant's argument regarding the distinctions between Wardwell and Schorpp and the invention as defined by claims 13, 25, 26, and 27.

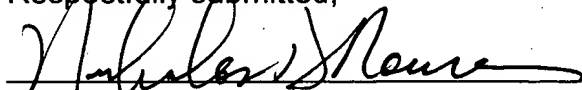
Applicant submits that Jannin teaches a protective device for bales of hay comprising a plurality of slats, and an end panel and cords traversing the end panel. Jannin does not teach, disclose or suggest a collapsible container wherein in the collapsed position the outer surfaces of the rigid segments are in a coplanar relationship. Therefore, Jannin does not supply the deficiencies of Wardwell or Schorpp , and Applicant requests that the Examiner withdraw the rejection of claims 13 and 25-27.

C nclusion

In view of the above, Applicant respectfully submits the claims are now in a condition for allowance and requests issuance of a Notice of Allowance thereof.

This is intended to be a complete response to the Office Action mailed July 28, 2003

Respectfully submitted,



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